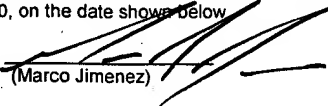


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 1, 2006 Signature: 

(Marco Jimenez)

Sent By Facsimile (571-273-8300)
and Express Mail
Docket No.: 393032022200

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. §§ 1.181 and 1.8(b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTION

On April 6, 2006, the Patent Office mailed a Notice of Abandonment stating the present application was abandoned. The Notice stated the Applicants had failed to pay the issue fee and publication fee within three months of the mailing date of the Notice of Allowance. The Notice of Allowance was mailed on October 19, 2005.

Applicants respectfully submit that they responded to the Notice of Allowance in a timely manner by facsimile on October 28, 2005 and that both of these fees were timely paid. Therefore, Applicants hereby petition the Commissioner to withdraw the holding of abandonment.

BACKGROUND

The present application was filed on January 10, 2001. The application was duly prosecuted and a first Notice of Allowance was mailed on December 11, 2003. Part B (Fee Transmittal) of the Notice of Allowance indicated an issue fee in the amount of \$1,330 and a publication fee of \$300. Applicants timely submitted the first Fee Transmittal by first class mail on February 20, 2004 and therein authorized the Patent Office to charge the required fees to Deposit Account No. 03-1952. A copy of the transmitted first Fee Transmittal is attached as Exhibit A to the accompanying statement of Ms. Beverly Carter. A copy of the stamped postcard receipt that properly identifies the first Fee Transmittal is attached as Exhibit B.

On October 7, 2004, Applicants filed a petition to withdraw the present application from issuance along with an RCE and a supplemental IDS. The petition was granted on October 13, 2004.

On October 28, 2004, a second Notice of Allowance was mailed after the Examiner considered the newly submitted IDS. Part B (Fee Transmittal) of the second Notice of Allowance indicated an issue fee of \$40 and a publication fee of \$0. The \$40 fee reflected an increase in the issue fee from the previous Fee Transmittal. Because the publication fee had not increased, the second Fee Transmittal correctly indicated that no publication fee was due. Applicants submitted another supplemental IDS on January 12, 2005 and, thereafter, timely submitted the second Fee Transmittal by first class mail on January 27, 2005 authorizing the Patent Office to charge \$70 (reflecting the correct increase) to Deposit Account No. 03-1952. A copy of the transmitted second Fee Transmittal is attached as Exhibit C. A copy of the stamped postcard receipt that properly identifies the second Fee Transmittal is attached as Exhibit D.

On October 19, 2005, a third Notice of Allowance was mailed after the Examiner considered the second supplemental IDS submitted in January 2005. Part B (Fee Transmittal) of the third Notice of Allowance indicated an issue fee of \$0 and a publication fee of \$0. The transmittal thus correctly reflected that the Applicants had fully and timely paid the issue fee and publication fee through the submissions of the first and second Fee Transmittals. Applicants timely submitted the third Fee Transmittal by facsimile on October 28, 2005. Even though no fees were due, Applicants authorized the Patent Office to charge any required fees to Deposit Account No. 03-1952. A copy of the transmitted third Fee Transmittal along with facsimile cover sheet is attached as Exhibit E. A copy of the return receipt confirmation of facsimile transmission to the Patent Office is attached as Exhibit F.

On April 6, 2006, the Patent Office mailed a Notice of Abandonment for failure to pay the issue fee and the publication within three months of the mailing date of the third Notice of Allowance.

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

As explained above and shown in the accompanying exhibits E and F, Applicants timely submitted the third Fee Transmittal. The third Fee Transmittal set a deadline of January 19, 2006, and Applicants submitted the transmittal on October 28, 2005 via facsimile as indicated by the signed certificate of transmission. Even though no fees were due, Applicants authorized in the third Fee Transmittal the payment of any fees relating to the third Notice of Allowance.

The holding of abandonment by the Patent Office is apparently a result of the Patent Office not having evidence of receiving the third Fee Transmittal. To that end, Applicants respectfully request that the transmission of the third Fee Transmittal on October 28, 2005 be considered pursuant to 37 C.F.R. § 1.8(b).

The requirement of § 1.8(b)(1) is met, because Applicants are submitting this petition in a timely manner after receipt of the Notice of Abandonment. When Applicants submitted the third Fee Transmittal, they received the return receipt confirmation (Exhibit F). There was no reason to

believe that the application would be abandoned eight months later. Only after the Patent Office indicated that the application had become abandoned did the Applicants realize that the Patent Office may not have evidence of receiving the third Fee Transmittal.

The requirement of § 1.8(b)(2) is satisfied in that the accompanying statement of Ms. Carter attaches, as Exhibit E, a copy of the submitted third Fee Transmittal with the signed certificate of transmission. A copy of the returned receipt confirmation from the Patent Office is also attached as Exhibit F.

The requirement of § 1.8(b)(3) is met by the accompanying statement of Ms. Carter. Ms. Carter signed the certificate of transmission on October 28, 2005. She provided the third Fee Transmittal with the signed certificate and a facsimile cover page to the facsimile department of her employment (the law firm of Morrison & Foerster). The department transmitted the third Fee Transmittal and the cover page on October 28, 2005. A copy of the facsimile department's transmission report is attached as Exhibit G. It shows that on October 28, 2005, at 3:19 PST, a two page fax was successfully transmitted to facsimile no. (571) 273-2885 for the matter or docket number 20222, which is the matter number of the present application. The Patent Office then immediately sent a return receipt confirmation on 6:21 EST as set forth in Exhibit F.

In view of the above showing, Applicants respectfully submit that the third Fee Transmittal was submitted in a timely fashion on October 28, 2005. Thus, the application is not in fact abandoned, and Applicants respectfully request that the Patent Office withdraw the holding of abandonment.

It is not believed that any fees are due with this Petition. In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Director to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **393032022200**.

Dated: June 1, 2006

Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5630



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to:

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|-------------------|
| Application Number | 09/758,632 |
| Filing Date | January 10, 2001 |
| First Named Inventor | Yoshiki NISHITANI |
| Art Unit | 2837 |
| Examiner Name | M. T. Fletcher |
| Attorney Docket Number | 393032022200 |

Enclosed is a petition filed under 37 CFR 1.313 that requires a processing fee (37 CFR 1.17(f)), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952 :

☒ Petition fee under 37 CFR 1.17(f), (g) or (h) ☒ Any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

§ 1.53(e) – to accord a filing date.

§ 1.57(a) – to accord a filing date.

§ 1.182 – for decision on a question not specifically provided for.

§ 1.183 – to suspend the rules.

§ 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 – for access to an assignment record.

§ 1.14 – for access to an application.

§ 1.47 – for filing by other than all the inventors or a person not the inventor.

§ 1.59 – for expungement of information.

§ 1.103(a) – to suspend action in an application.

§ 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 – for review of refusal to publish a statutory invention registration.

§ 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.

§ 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.

§ 5.12 – for expedited handling of a foreign filing license.

§ 5.15 – for changing the scope of a license.

§ 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) – to request documents in a form other than that provided in this part.

§ 1.84 – for accepting color drawings or photographs.

§ 1.91 – for entry of a model or exhibit.

§ 1.102(d) – to make an application special.

§ 1.138(c) – to expressly abandon an application to avoid publication.

§ 1.313 – to withdraw an application from issue.

§ 1.314 – to defer issuance of a patent.

Signature

June 1, 2006

Date

Mehran Arjomand

Typed or printed name

48,231

Registration No., if applicable

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV701015062US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, and by facsimile to (571) 273-8300 on the date shown below.

Dated: June 1, 2006

Signature:

(Marco Jimenez)

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Dated: June 1, 2006 Signature: _____

(Marco Jimenez)

**Sent By Facsimile (571-273-8300)
and Express Mail**
Docket No.: 393032022200

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Yoshiki NISHITANI et al.

Serial No.: 09/758,632

Filing Date: January 10, 2001

For: APPARATUS AND METHOD FOR
DETECTING PERFORMER'S MOTION
TO INTERACTIVELY CONTROL
PERFORMANCE OF MUSIC OR THE
LIKE

Examiner: M. Fletcher

Group Art Unit: 2837

**STATEMENT ATTESTING TO TIMELY TRANSMISSION OF FACSIMILE
PURSUANT TO 37 CFR § 1.8 (b)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. I, Beverly Carter, am a Senior Paralegal at Morrison & Foerster LLP.
2. I am responsible for handling the payment of the issue fee and publication fee of the present application.
3. On December 11, 2003, a first Notice of Allowance was mailed. Part B (Fee Transmittal) of the first Notice of Allowance indicated an issue fee of \$1330 and a publication fee of

\$300. The first Fee Transmittal was signed by an attorney of record and authorized payment of any fees. I then submitted the first Fee Transmittal by first class mail to the Patent Office on February 20, 2004 along with a signed certificate of mailing. A copy of the first Fee Transmittal and the signed certificate of mailing is attached as Exhibit A. A copy of a stamped postcard receipt that properly identifies the first Fee Transmittal is attached as Exhibit B.

4. On October 28, 2004, a second Notice of Allowance was mailed. Part B (Fee Transmittal) of the second Notice of Allowance indicated an issue fee of \$40 and a publication fee of \$0. The second Fee Transmittal was signed by an attorney of record and authorized payment of any fees, including \$70 reflecting the correct increase in the issue fee from the previous payment. I then directed my assistant Enrique Moreno to submit the second Fee Transmittal by first class mail to the Patent Office. A copy of the second Fee Transmittal and a signed certificate of mailing by Mr. Moreno on January 27, 2005 is attached as Exhibit C. A copy of a stamped postcard receipt that properly identifies the second Fee Transmittal is attached as Exhibit D.

5. On October 19, 2005, a third Notice of Allowance was mailed. Part B (Fee Transmittal) of the third Notice of Allowance indicated an issue fee of \$0 and a publication fee of \$0. The third Fee Transmittal was signed by an attorney of record on October 28, 2005 and authorized payment of any fees, even though no fees were due. I then signed the certificate of transmission. A copy of the third Fee Transmittal with a signed certificate of mailing and a facsimile cover sheet are attached as Exhibit E.

6. On October 28, 2005, I delivered the signed third Fee Transmittal and the cover sheet to the facsimile department of Morrison & Foerster. After transmission of the third Fee Transmittal and the cover sheet, the papers were returned to me along with confirmation of transmittal. A copy of the return receipt confirmation is attached as Exhibit F. A copy of the facsimile department's Activity Report confirming both pages of this transmission were successfully transmitted to telephone number (571) 273-2885 on October 28, 2005 is attached as Exhibit G.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: June 1, 2006

By 

Beverly S. Carter

Senior Paralegal

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5267

MORRISON | FOERSTER

555 WEST FIFTH STREET
LOS ANGELES
CALIFORNIA 90013-1024

TELEPHONE: 213.892.5200
FACSIMILE: 213.892.5454

WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.
DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

To:

| NAME: | FACSIMILE: | TELEPHONE: |
|---|----------------|----------------|
| MAIL STOP ISSUE FEE Commissioner for Patents | (571) 273-2885 | (571) 272-4200 |

FROM: Beverly S. Carter

DATE: October 28, 2005

| | | |
|-------------------------------------|---|--|
| Number of pages with cover page: | 2 | RE: U.S. Patent Application No. 09/758,632 Our Ref.: 39303-20222.00 |
|-------------------------------------|---|--|

Preparer of this slip has confirmed that facsimile number given is 9098/BSC4
correct:

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Comments:

Dear Sir or Madam:

Attached is the Part B-Fee Transmittal for the issue fee, duly executed by the attorney of record. The total issue fee and publication fees have been paid for this application. Therefore, we only request the 10 advance copies of the patent.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
BEVERLY S. CARTER AT 213 892 5267 AS SOON AS POSSIBLE.

LA-826054

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 2138925454

Fax Information

Date Received:

10/28/2005 6:19:59 PM [Eastern Daylight Time]

Total Pages:

2 (including cover page)

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Received
Cover
Page

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| | | | | | |
|--|--|---|--|---|--|
| 10/28/2005 15:20 FAX 2138925454 | | MORRISON & FOERSTER # 4 | | 0001 | |
| MORRISON FOERSTER | | 333 WEST FIFTH STREET LOS ANGELES CALIFORNIA 90013-1024 TELEPHONE: 213.692.5300 FACSIMILE: 213.892.5454 WWW.MOFO.COM | | MORRISON & FOERSTER LLP NEW YORK, SAN FRANCISCO, LOS ANGELES, PALO ALTO, SAN DIEGO, WASHINGTON, D.C. DENVER, HOUSTON, VICTORIA, OAKLAND, SEATTLE, SACRAMENTO, WALNUT CREEK, DENVILLE CITY TOKYO, LONDON, BEIJING, HONGKONG, SINGAPORE, SHANGHAI, CHINA | |
| To: | | | | | |
| NAME: | | FACSIMILE: | | TELEPHONE: | |
| MAIL STOP ISSUE FEE Commissioner for Patents | | (571) 273-2885 | | (571) 272-4200 | |
| FROM: Beverly S. Carter DATE: October 28, 2005 | | | | | |
| Number of pages with cover page: | | RE: U.S. Patent Application No. 09/758,632 | | | |
| 2 | | Our Ref.: 39303-20222.00 | | | |
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| Comments: | | | | | |
| Dear Sir or Madam: | | | | | |
| Attached is the Part B-Fee Transmittal for the issue fee, duly executed by the attorney of record. The total issue fee and publication fees have been paid for this application. Therefore, we only request the 10 advance copies of the patent. | | | | | |
| IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BEVERLY S. CARTER AT 213 892 5267 AS SOON AS POSSIBLE. | | | | | |
| LA-826054 | | | | | |
| PAGE 1/2 'RCVD AT 10/28/2005 6:19:59 PM [Eastern Daylight Time]' 'SVR:USPTO-EF/XRF-629' 'DNIS:2732885' 'CSID:2138925454' 'DURATION (mm:ss):01:02 | | | | | |

 *** ACTIVITY REPORT ***

34

154

| ST. TIME | CONNECTION TEL/ID | SENDER NAME | NO. | MODE | PGS. | RESULT |
|-------------|----------------------|-------------|------|--------------|------|----------|
| 10/27 15:52 | 0017#01181358021812# | | 0871 | TRANSMIT ECM | 1 | OK 00'27 |
| 10/27 15:54 | 0017#01181357588772# | | 0872 | TRANSMIT ECM | 1 | OK 00'26 |
| 10/27 15:54 | 6100#01181358021812# | | 0870 | TRANSMIT | 0 | NG 00'00 |
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| 10/27 18:06 | 9#00123#13108225969# | | 0874 | TRANSMIT ECM | 25 | OK 05'54 |
| 10/28 09:05 | 3430#27#14159825287# | | 0875 | B'CAST ECM | 3 | OK 00'59 |
| 10/28 09:06 | 3430#27#13105860257# | | 0875 | B'CAST ECM | 3 | OK 00'57 |
| 10/28 10:33 | 0#00029#13232101291# | | 0876 | TRANSMIT ECM | 1 | OK 00'27 |
| 10/28 10:52 | 9990#17#18003374903# | | 0877 | TRANSMIT ECM | 2 | OK 00'48 |
| 10/28 12:00 | 344#011442072423290# | | 0878 | TRANSMIT ECM | 5 | OK 01'31 |
| 10/28 12:54 | 56873#2#12136200100# | | 0879 | B'CAST ECM | 4 | OK 01'11 |
| 10/28 12:56 | 56873#2#13108263210# | | 0879 | B'CAST ECM | 4 | OK 01'10 |
| 10/28 12:57 | 56873#2#13102359982# | | 0879 | B'CAST ECM | 4 | OK 01'04 |
| 10/28 15:19 | 2022200#15712732885# | | 0880 | TRANSMIT ECM | 2 | OK 00'59 |
| 10/28 15:56 | MERRILL LA REPRO | | 0881 | TRANSMIT ECM | 3 | OK 01'03 |
| | 9990#17#12136171330# | | | | | |
| 10/28 16:05 | 9990#17#16516321852# | | 0882 | TRANSMIT ECM | 3 | OK 01'20 |
| 10/28 18:25 | 9990#17#18664773471# | | 0883 | TRANSMIT ECM | 1 | OK 00'30 |
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| 10/31 09:31 | 0#00017#14159825287# | | 0885 | B'CAST ECM | 6 | OK 01'47 |
| 10/31 09:33 | 0#00017#13105860275# | | 0885 | B'CAST ECM | 6 | OK 01'44 |
| 10/31 10:05 | 4420#01181357588772# | | 0886 | TRANSMIT ECM | 2 | OK 00'38 |
| 10/31 11:08 | 0#11717#18777299682# | | 0887 | TRANSMIT G3 | 7 | OK 02'35 |
| 10/31 11:58 | 80#9098#13238690590# | | 0888 | TRANSMIT ECM | 4 | OK 01'28 |
| 10/31 15:33 | 0#00017#14154212433# | | 0889 | TRANSMIT ECM | 2 | OK 00'37 |
| 10/31 15:35 | 0#00017#12067282779# | | 0890 | TRANSMIT ECM | 2 | OK 00'37 |
| 10/31 17:42 | 85261#1#13102345699# | | 0891 | TRANSMIT ECM | 3 | OK 00'54 |
| 10/31 17:45 | 85261#1#13102010016# | | 0892 | TRANSMIT ECM | 3 | OK 00'53 |
| 10/31 18:23 | 1863#95#13107431850# | | 0893 | TRANSMIT ECM | 3 | OK 01'03 |
| 10/31 18:29 | 1#00001#13236692840# | | 0894 | B'CAST G3 | 3 | OK 01'51 |
| 10/31 18:32 | 85261#00001#6213660# | | 0894 | B'CAST ECM | 3 | OK 00'56 |
| 10/31 18:33 | 1#00001#13102471111# | | 0894 | B'CAST ECM | 3 | OK 00'50 |
| 11/01 12:47 | HILTON SUPPORT C | | 0895 | TRANSMIT ECM | 5 | OK 01'03 |
| | 0#00002#13102054613# | | | | | |
| 11/01 12:51 | 5#00001#17605101565# | | 0896 | B'CAST ECM | 10 | OK 02'48 |
| 11/01 12:54 | 5#00001#16192350398# | | 0896 | B'CAST ECM | 10 | OK 02'48 |
| 11/01 13:01 | 5#00001#17604393877# | | 0896 | B'CAST ECM | 10 | OK 03'18 |
| 11/01 16:06 | 4400#01181357588772# | | 0897 | TRANSMIT ECM | 3 | OK 00'50 |
| 11/01 16:09 | 1#00102#13108219237# | | 0898 | TRANSMIT ECM | 2 | OK 00'41 |
| 11/01 16:56 | 0002#01181335980086# | | 0899 | TRANSMIT | 0 | NG 00'00 |
| | | | | | 0 | #0018 |
| 11/01 16:59 | 0002#01181335970086# | | 0900 | TRANSMIT ECM | 2 | OK 00'52 |
| 11/01 17:12 | 0#00017#12133803898# | | 0901 | TRANSMIT | 0 | NG 00'00 |
| | | | | | 0 | STOP |

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSU** **EE**
Commissioner 1 **Patents**
P.O. Box 1450
Alexandria, Virginia 22313-1450
or **Fax** **(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

25224 7590 10/19/2005

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Beverly S. Carter (Depositor's name)
Beverly S. Carter (Signature)
October 28, 2005 (Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/758,632 | 01/10/2001 | Yoshiki Nishitani | 39303.20222.00 | 9558 |

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$0 | \$0 | \$0 | 01/19/2006 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| FLETCHER, MARLON T | 2837 | 084-615000 |

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

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2. For printing on the patent front page, list

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1 **MORRISON & FOERSTER LLP**

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

Yamaha Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

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☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 03-1952 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

David L. Fehrman

Date **October 28, 2005**

Typed or printed name **David L. Fehrman**

Registration No. **28,600**

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Enrique Moreno

(Depositor's name)

Enrique Moreno

(Signature)

January 27, 2005

(Date)

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/758,632 | 01/10/2001 | Yoshiki Nishitani | 39303.20222.00 | 9558 |

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|----------------------|-----------------|----------------------|------------|
| nonprovisional | NO | \$40 \$70 | \$0 | \$40 \$70 | 01/28/2005 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| FLETCHER, MARLON T | 2837 | 084-615000 |

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1 Morrison & Foerster, LLP

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(A) NAME OF ASSIGNEE

YAMAHA CORPORATION

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Hamamatsu-shi, JAPAN

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Authorized Signature

David L. Fehman

Date January 27, 2005Typed or printed name David L. FehmanRegistration No. 28,600

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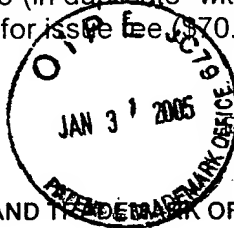
Attorney Docket: 39303-20222.00 Date: January 27, 2005
Inventor(s): Yoshiki NISHITANI et al. USSN: 09/758,632
Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE
Due Date: January 28, 2005

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| | |
|--------------------------|--------------------|
| Beverly S. Carter | (Depositor's name) |
| <i>Beverly S. Carter</i> | (Signature) |
| February 20, 2004 | (Date) |

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/758,632 | 01/10/2001 | Yoshiki Nishitani | 39303.20222.00 | 9558 |

TITLE OF INVENTION: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE | PUBLICATION FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|-----------|-----------------|------------------|------------|
| nonprovisional | NO | \$1330 | \$300 | \$1630 | 03/11/2004 |

| EXAMINER | ART UNIT | CLASS-SUBCLASS |
|--------------------|----------|----------------|
| FLETCHER, MARLON T | 2837 | 084-615000 |

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YAMAHA CORPORATION

Hamamatsu-shi, JAPAN

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(Authorized Signature) *David L. Fehrman* (Date)

David L. Fehrman, Reg. No. 28,600 02/20/2004

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Attorney Docket: 39303-20222.00
inventor(s): Yoshiki NISHITANI, et al.

Date: February 20, 2004
USSN: 09/758,632

Title: APPARATUS AND METHOD FOR DETECTING PERFORMER'S MOTION TO
INTERACTIVELY CONTROL PERFORMANCE OF MUSIC OR THE LIKE

Due Date: March 11, 2004

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